

Message Text

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ACTION L-03

INFO OCT-01 AF-06 EUR-12 ISO-00 SCS-03 SCA-01 /026 W

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P R 231910Z FEB 76

FM AMEMBASSY PARIS

TO SECSTATE WASHDC PRIORITY 8101

AMEMBASSY BERN PRIORITY

AMEMBASSY MADRID PRIORITY

AMEMBASSY DAKAR PRIORITY

INFO AMEMBASSY ROME

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E.O. 11652: N/A

TAGS:PFOR, SNAR, SG, CPRS, AF

SUBJECT:UNITED STATES V. ORSINI

REF:(A) STATE 41528, (B) PARIS 5239, (C) STATE 40443

(ALL NOTAL)

1. FOR BERN AND MADRID: PLEASE ADVISE IF DEPOSITIONS CAN BE TAKEN IN EMBASSY UNDER FOLLOWING CONDITIONS IN CASE OF DOMINIQUE ORSINI, FRENCH CITIZEN NOW DETAINED IN NEW YORK ON NARCOTICS CHARGES. ORSINI DEFENSE ATTORNEY GINO GALENA AND ASST U.S. ATTORNEY DAVID A. DE PETRIS ALONG WITH COURT STENOGRAPHER ARE IN PARIS TO TAKE DEPOSITIONS OF PIERRE ORSINI, FRENCH CITIZEN BROTHER OF DEPENDENT, AND MARIE APPOLINE SERGE (SENEGALESE CITIZEN WITNESS). DEPOSITIONS AUTHORIZED BY COURT ORDER OF U.S. DISTRICT COURT FOR EASTERN NEW YORK. FRENCH AUTHORITIES, HOWEVER, WILL NOT PERMIT TESTIMONY TO BE TAKEN IN CRIMINAL CASE WITHOUT LETTERS ROGATORY. RATHER THAN GO THROUGH LETTERS ROGATORY FORMALITIES FOR FRANCE GALENA HOPES TO FIND NEARBY COUNTRY WHERE VALID DEPOSITIONS CAN BE TAKEN. HE SUGGESTED SPAIN AND SWITZERLAND AS POSSIBILITIES.

2. DEPOSITION WOULD TAKE FORM OF QUESTIONS TO WITNESS BY
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GALENA WITH CROSS EXAMINATION BY DE PETRIS. DEPOSITIONS

WILL BE TRANSCRIBED BY COURT REPORTER AND, PER REFTEL C, AUTHENTICATED BY CONSULAR OFFICER. THEY WILL ALSO BE VIDEOTAPED AND VIDEO TAPES SURRENDERED TO CONSULAR OFFICER, AUTHENTICATED AND AIR POUCHED TO DEPARTMENT (ATTENTION LEGAL ADVISER). CONSULAR OFFICER WILL ADMINISTER OATHS TO ALL DEONENTS AND PROVIDE USUAL CONSULAR SERVICES CONSISTENT WITH 7FAM 840 ET SEQ. IF SERVICE CAN BE PERFORMED AS DESCRIBED ABOVE, WE UNDERSTAND THAT ALL PERSONS MENTIONED ABOVE WILL TRAVEL TO POST FOR THAT PURPOSE. WOULD APPRECIATE REPLY IF POSSIBLE BY NOON FEBRUARY 24.

3. FOR DAKAR: PER GALENA, PARTY WILL NOT TRAVEL TO DAKAR TO TAKE DEPOSITIONS UNTIL YOU OBTAIN ASSURANCES THEY CAN BE TAKEN AS PLANNED.

4. FOR DEPARTMENT: PER GALENA, MRS. ORSINI'S DEPOSITION WILL NOT BE TAKEN. IN EVENT OF POSITIVE REPLY FROM BERN OR MADRID, DEPARTMENT MAY WISH TO SEND POST REFTEL C INSTRUCTIONS OMITTED FROM THIS MESSAGE. IN CASE OF NEGATIVE REPLIES FROM BOTH, WE WOULD APPRECIATE DEPARTMENT'S SUGGESTIONS ON MOST LIKELY COUNTRY FOR DEPOSITION TAKING. WE ALREADY HAVE NEGATIVE REPLY FROM AMEMBASSY ROME PER LINK-HILL TELCON OF FEBRUARY 23.
RUSH

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TRIALS, INVESTIGATIONS, INTERGOVERNMENTAL COOPERATION
Control Number: n/a
Copy: SINGLE
Draft Date: 23 FEB 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: morefirh
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976PARIS05392
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760067-0685
From: PARIS
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760223/aaaaatvo.tel
Line Count: 87
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION L
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 76 STATE 41528, 76 PARIS 5239, 76 STATE 40443
Review Action: RELEASED, APPROVED
Review Authority: morefirh
Review Comment: n/a
Review Content Flags:
Review Date: 16 APR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <16 APR 2004 by greeneet>; APPROVED <06 JUL 2004 by morefirh>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: NITED STATES V. ORSINI
TAGS: PFOR, SNAR, CPRS, SG, AF, (ORSINI, DOMINIQUE)
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006